

REMARKS/ARGUMENTS

Claims 1-11 stand in the present application. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to the disclosure as not supporting the computer readable medium in claim 11. As noted above, Applicants have amended the specification in order to correct this deficiency. Accordingly, the Examiner's objection to the specification is believed to have been overcome.

The Examiner has objected to the title of the invention as not being descriptive. As noted above, the title of this application has been amended to correct the deficiency pointed out by the Examiner. Accordingly, the Examiner's objection to the title is believed to have been overcome.

The Examiner has rejected claim 11 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses the Examiner's § 101 rejection of the claim. As noted above, the specification has been amended to more clearly support that the computer readable medium required by claim 11 is a DVD, CD or like tangible, physical medium. Accordingly, the Examiner's rejection of claim 11 is believed to have been overcome by the suitable amendment to the specification.

The Examiner has rejected claims 1-3 and 5-11 under 35 U.S.C. § 102(e) as being anticipated by Karino et al. ("Karino"); and has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Karino in view of O'Neill. Applicant respectfully traverses the Examiner's §§ 102 and 103 rejections of the claims.

Essentially, the Examiner is arguing that as the routing method of the present invention provides the same result, for the particular network architecture as shown in Figure 17 of Karino, that the routing method of the present invention is the same as that of Karino, and is therefore anticipated. It can be seen clearly and unambiguously from Karino, as set out in Applicant's previous response, that Karino discloses a routing method that is entirely dissimilar to that of the present invention.

Applicant claims the routing method and not the route that is taken by the packets when the method is applied to the network structure shown in Figure 17 of Karino. The fact that in this particular scenario the two different routing methods provide the same result is entirely coincidental and does not mean that any similarity can be inferred regarding the two methods. If Applicant had developed a new and inventive process for producing a known chemical then Applicant would still be entitled to a patent for the process, despite the fact that there are other known processes for producing the chemical.

More particularly, the Examiner cites to the fourth embodiment disclosed by Karino which is described at column 29 line 52 to column 34 line 6, with reference to Figures 16 and 17. As noted in Applicant's previous response, this embodiment of Karino is intended to bicast data intended for the mobile host (MH) to base station 2 (BS2) & base station 3 (BS3) such that in the event that the MH moves from the radio area associated with BS2 to the radio area associated with BS3. As can be seen from the paragraph bridging columns 30 and 31, the router R2 is selected as a branching point as it is able to directly address both BS2 and BS3. Thus, when a packet is

received from the host network it will be routed to router R2 and then bicast to both BS2 and BS3.

Such a routing is shown in Figure 17 and described in the last paragraph of column 31 and the first paragraph of column 32. Karino does not disclose the determination of "whether said packet is from another node on said chain or not" – as required by independent claim 1 – merely that if a packet for the MH is received from the host network 1 at the branching point R2 then it will be bicast from R2 to both BS2 and BS3. Neither R4 nor R5 will determine the origination of the packet but will follow their routing information in that R4 routes data from R2 to BS2 and R5 routes data from R2 to BS3. Therefore it is immediately and unambiguously apparent that Karino fails to teach or suggest the present claims. The Examiner tacitly admits that Karino fails to teach this claim limitation by stating that Karino "clearly shows the equivalent functionality of the determination as recited in the claim." See, Office Action at pages 8-9 (emphasis supplied). However, as demonstrated above the Karino method is not functionally equivalent to Applicant's claimed method.

It is instructive to consider that the network shown in Figure 17 has a direct connection between R5 and R6 and that a packet is received from R6 at R5. According to the teaching of Karino, R5 will forward the packet to the branching point R2. R2 will then bicast the data with one packet stream being sent to BS2 via R4 and one packet stream being sent to BS3 via R5. In contrast, according to Applicant's claimed invention, as the packet is received from a node not on the chain, R5 will copy the packet and send one of the packets directly to BS3 and the other packet to BS2 along

the other direction along the chain, i.e., via R2-R4-BS2. Therefore, it can be seen that the method of claim 1 differs from and is more effective than that of Karino.

In summary, Karino does not disclose the method of the present invention, in that it fails to teach or suggest the more efficient routing technique recited in the present claims. Accordingly, claim 1 and its dependent claims patentably define over Karino. Independent claim 9 corresponds to independent claim 1 and, therefore, together with its dependent claim 10 patentably defines over Karino for the same reasons given above with respect to independent claim 1.

In rejecting dependent claim 4, the Examiner applied the O'Neill reference in combination with Karino. Claim 4 is allowable by virtue of its dependency from allowable claim 1 and, therefore, Applicant believes it unnecessary to further discuss O'Neill.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-11, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

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